

Key Number: 134-06800-0859

State Identification Number: 79-06-11-200-008.000-029

**COMMITMENT**

Commitment made on the 15<sup>th</sup> day of June, 2015, by Citation Homes, Inc. (the "Petitioner"), pursuant to Indiana Code Section 36-7-4-1015.

1. Petitioner makes this commitment as owner of certain real estate (the "Real Estate") located in Tippecanoe County, Indiana, commonly known as a 10.701 acre tract of land situated on the north side of Cumberland Avenue west of new U.S. 231, in the City of West Lafayette, and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.

2. Petitioner has filed a request with the Area Plan Commission of Tippecanoe County, Indiana (the "APC"), to rezone the Real Estate from R3 to GB which request is pending before the APC as case no. Z-2621.

3. Petitioner hereby agrees and makes the following commitment in connection with the rezoning request in case no. Z-2621:

The following list of uses shall be excluded from the uses otherwise allowed by the Permitted Use Table of the Unified Zoning Ordinance of Tippecanoe County, Indiana for a GB classification:

<u>SIC GROUP</u>	<u>EXCLUDED PRIMARY USES</u>
02	Agriculture production – livestock
0752	Boarding kennels, animal shelters, and Boarding, and/or training horses
42	Motor freight transportation and warehousing
4953	Refuse systems, recycling collection facilities, processing facilities
55	Auto dealers, but allow SIC 553/554 auto supply/gas station
5942	"Adult bookstores," but allow 5942 Bookstores
7832	Adult motion picture theatres only
7833	Drive-in motion picture theatres, adult drive-in motion picture theatres
7993	Adult arcade

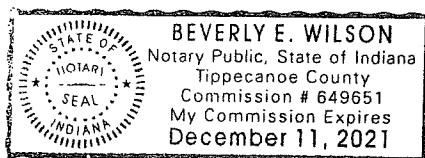
7999	Adult live entertainment arcade/adult cabaret
0741	Veterinary services for livestock
15	Building construction – general contractors etc... (subject to footnote 8)
All 20s, 200s, 2000s	Manufacturing, except “Winery” as defined in the UZO (subject to footnote 10)
31, 326, 387, 39	Manufacturing (various types & products) (subject to footnote 10)
4952	Sewerage systems
4953	Refuse systems
5083	Farm machinery and equipment (sales & service)
51	Wholesale trade (subject to footnote 12)
512	Drugs etc... (wholesale only)
521	Lumber & other building materials dealers
7299	“Massage establishments (parlors)”
Below 7312	“Outdoor Advertising Signs” (billboards)
735	Miscellaneous equipment renting & leasing (subject to footnote 10)
7699	Farm machinery and equipment service & repair
8744	Adult correctional facilities...privately operated
9223	Correctional institutions (public)

4. Petitioner understands and agrees that this commitment is given to the APC and the City of West Lafayette, Indiana (the “Legislative Body”) as an inducement for the recommendation for and approval of the rezoning request in case no. Z- 2621 . Petitioner further understands and agrees that the approval of the rezoning request in case no. Z- 2621 by the Legislative Body constitutes good and valuable consideration for the giving of this commitment.

5. This commitment shall be a covenant running with the Real Estate and binding and enforceable against Petitioner, any subsequent owner, or any other person who acquires any interest in the Real Estate. Any change or modification of this commitment shall only be made with the approval of the APC at a public hearing in accordance with all rules and regulations of the APC.

6. Petitioner agrees that each of the following shall each be a “specially affected person” under Indiana Code Section 36-7-4-1015(d)(3) who shall each independently be entitled to bring an action to enforce the terms and conditions of this commitment in the Circuit or Superior Courts of Tippecanoe County, Indiana:

- a. the APC,
- b. the Area Board of Zoning Appeals of Tippecanoe County, Indiana,
- c. the appropriate Administrative Officer designated in the Unified Zoning Ordinance for Tippecanoe County, Indiana,
- d. the City of West Lafayette, Indiana



Citation Homes, Inc.

By: \_\_\_\_\_

Steven R. Schreckengast, President

STATE OF INDIANA )

SS: )

COUNTY OF TIPPECANOE )

Before me, the undersigned, a notary public, personally appeared Citation Homes, Inc., by Steven R. Schreckengast, its President, and acknowledged the execution of the foregoing commitment on

June 15, 2015.

Beverly E. Wilson, notary public  
Resident of Tippecanoe County

My commission expires:

12-11-21

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Daniel A. Teder

This instrument prepared by Daniel A. Teder of the firm of REILING TEDER & SCHRIER, 250 Main Street, Suite 601, P. O. Box 280, Lafayette, Indiana 47902, Telephone: (765) 423-5333, Fax: (765) 423-4564, E-mail: [dat@rtslawfirm.com](mailto:dat@rtslawfirm.com)